

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

CHRISTOPHER ALEXANDER )  
JEFFERSON, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
THE MISSOURI DEPARTMENT OF )  
CORRECTIONS, et al., )  
 )  
Defendants. )

Case No. 2:05CV00025 AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's motion for appointment of counsel. Plaintiff, a Missouri prisoner, brings this action pro se under 42 U.S.C. § 1983, against numerous prison officials. He claims that Defendants violated his constitutional right by, among other things, exposing him to secondhand smoke. He seeks injunctive relief and damages.

There is no constitutional right for a pro se plaintiff to have counsel appointed in a civil case. Davis v. Scott, 94 F.2d 444, 447 (8th Cir. 1996). The Court has discretion to appoint an attorney to handle such a case when necessary. Among the factors a court should consider in making this determination are the legal and factual complexity of the case; the ability of the plaintiff to investigate the facts and present his claim; and to what degree the plaintiff and the court would benefit from such an appointment. Id.; Edgington v. Missouri Dep't of Corr., 52 F.3d 777, 780 (8th Cir. 1995).

Upon review of the file, the Court finds that this dispute is straightforward, and that the legal issues are not complex. Thus, the Court finds that appointment of counsel is unnecessary at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel [Doc. # 3] is **DENIED** without prejudice.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 31st day of October, 2005.